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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,647	07/07/2001	Dale R. Lovercheck	ANAL-VIT	6584
7590 Dale R. Lovercheck, Esquire 92 Patricia Place Media, PA 19063				
06/27/2008				
EXAMINER				
HUI, SAN MING R				
ART UNIT		PAPER NUMBER		
1617				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DALE R. LOVERCHECK

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Appeal 2007-2047  
Application 09/900,647  
Technology Center 1600

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Mailed: June 27, 2008

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Before DALE M. SHAW, *Chief Appeals Administrator*  
SHAW, *Chief Appeals Administrator*.

ORDER DISMISSING APPEAL

On May 20, 2004, Appellant filed a Notice of Appeal. On April 17, 2008, counsel for the appellant filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR ' 1.114. Pursuant to the notice entitled ARequest for Continued Examination Practice and Changes to Provisional Application Practice,@ 65 Fed. Reg. 50092, 50095

(Aug. 16, 2000), and the provisions of 37 CFR ' 1.114(d), a request for continued examination under 37 CFR ' 1.114 filed after appeal has been taken, but prior to a decision on the appeal, Awill be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.@

Accordingly, it is

ORDERED that the appeal filed April 17, 2008 is dismissed. The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

clj

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